

University of Missouri School of Law Scholarship Repository

Faculty Publications

Fall 2017

The Cuban Missile Crisis, Historian Barbara W. Tuchman, and the Art of Writing

Douglas E. Abrams

University of Missouri School of Law, abramsd@missouri.edu

Follow this and additional works at: <https://scholarship.law.missouri.edu/facpubs>

 Part of the [Legal Writing and Research Commons](#)

Recommended Citation

73 J. Mo. B. 268 (2017)

This Article is brought to you for free and open access by University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Faculty Publications by an authorized administrator of University of Missouri School of Law Scholarship Repository.

HEINONLINE

Citation:

Douglas E. Abrams, The Cuban Missile Crisis, Historian
Barbara W. Tuchman, and the Art of Writing, 73 J. Mo.
B. 268 (2017)

Content downloaded/printed from [HeinOnline](http://heinonline.org)

Mon Dec 18 09:49:33 2017

- Your use of this HeinOnline PDF indicates your acceptance of HeinOnline's Terms and Conditions of the license agreement available at <http://heinonline.org/HOL/License>
- The search text of this PDF is generated from uncorrected OCR text.
- To obtain permission to use this article beyond the scope of your HeinOnline license, please use:

[Copyright Information](#)



Use QR Code reader to send PDF to
your smartphone or tablet device

THE CUBAN MISSILE CRISIS, HISTORIAN BARBARA W. TUCHMAN, AND THE “ART OF WRITING”

DOUGLAS E. ABRAMS¹

IN OCTOBER OF 1962, THE WORLD STOOD ON THE BRINK OF WAR AS THE UNITED STATES DEMANDED THAT THE SOVIET UNION DISMANTLE OFFENSIVE MEDIUM-RANGE NUCLEAR MISSILE SITES THAT IT WAS CONSTRUCTING IN CUBA FOR WARHEADS THAT COULD POTENTIALLY REACH AMERICAN CITIES.

From behind-the-scenes accounts, we know that an articulate best-selling book published just a few months earlier by historian Barbara W. Tuchman, a private citizen who held no government position, contributed directly to the delicate negotiated resolution of the Cuban Missile Crisis.

After chronicling Tuchman’s contribution to world peace, this article discusses her later public commentary about what she called the “art of writing,”² commentary that remains instructive for lawyers who write as representatives of clients or causes in the private or public sector.

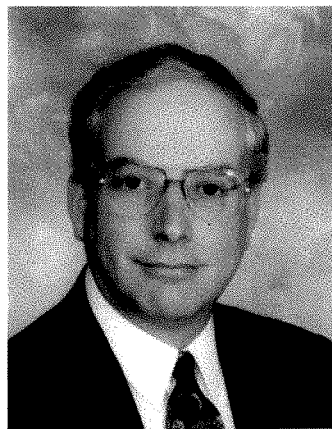
The Missiles of October

In the last week of January 1962, Barbara W. Tuchman was a little known historian whose three books had won only modest popular attention. Then she published *The Guns of August*, a military history of the antecedents and first month of World War I. The book presented a penetrating, carefully researched, and eminently readable account of the chain reactions that led European powers to stumble into the bloody four-year conflict in the summer of 1914, after an obscure 19-year-old Bosnian Serb assassinated Austrian Archduke Franz Ferdinand and his wife during a motorcade in Sarajevo.

Few European leaders wanted armed conflict, most thought that the fighting would last only a few weeks, but none could overcome the miscalculations, national resentments, and interlocking alliances that abruptly ended years of peace.³ By the time the guns fell

silent more than four Augusts later, World War I (or the Great War, as it was called then) was the most barbaric conflict the world had ever seen. Thirty nations had suffered a total of 20 million military and civilian deaths, plus 21 million more wounded.⁴

The Guns of August sold more than 260,000 copies in its first eight months, remained on the *New York Times* best seller list for nearly a year, and won Tuchman the first of her two Pulitzer Prizes. World War I’s origins continue to intrigue historians today,⁵ but the Modern Library ranks *The Guns of August* as number 16 on its list of the 100 best non-fiction books of all time.⁶



Douglas E. Abrams

One of the book’s earliest and most avid readers was President John F. Kennedy, who requested that his aides read it, distributed copies to U.S. military bases throughout the world,⁷ and reportedly gave copies as gifts to foreign dignitaries who visited the White House.⁸ In a world consumed by Cold War tensions, the president was particularly struck by Tuchman’s account of a late 1914 conversation between the former German chancellor and his successor about the blunders that sparked the outbreak of total war.

“How did it all happen?” asked the first. “Ah, if only one knew,” answered the other, without even trying to make sense of things.⁹

As the United States stared eye-to-eye with the Soviet Union, President Kennedy explained the price of miscalculation to aides who had not yet read *The Guns of August*. “If this planet is ever ravaged by nuclear war – and if the survivors of that devastation can then endure the fire, poison, chaos, and catastrophe – I do not want one of those survivors to ask another, ‘How did it all happen?’ and to receive the incredible reply: ‘Ah, if only one knew.’”¹⁰

Some close advisors urged President Kennedy to order bombing of the Cuban missile sites that American reconnaissance flights had photographed. Military leaders urged a full-scale invasion of the island, but the president resisted escalation that might have slid the United States and the Soviet Union into World War III.

The Guns of August led President Kennedy toward restraint that enabled cooler heads to prevail. “I am not going to follow a course which will allow anyone to write a comparable book about this time, *The Missiles of October*,” he told his brother, Attorney General Robert F. Kennedy. “If anyone is around to write after this, they are going to understand that we made every effort to find peace

and every effort to give our adversary room to move.”¹¹

“What Ifs” of History

When *The Guns of August* appeared in late January of 1962, President Kennedy was a busy man beginning the second year of the New Frontier, with little time outside the Oval Office for extracurricular reading. Tuchman’s book was more than 450 pages long, and any White House aide dispatched to the Library of Congress for an hour or two could easily have returned with an armload of other books to satisfy the president’s appetite for written history.¹²

What if President Kennedy found *The Guns of August* opaque, stodgy, or leaden? What if he put the book aside after plodding through the first few pages, and thus missed lessons that helped stiffen his resolve to give diplomacy a chance to avoid the sort of impetuous missteps that led Europe to “sleepwalk”¹³ into total war nearly a half century earlier?

We need not contemplate these chilling “What Ifs” because Tuchman delivered prose that observers have called “erudite and highly readable,”¹⁴ “elegant,”¹⁵ “illuminating,”¹⁶ lucid and graceful,¹⁷ and “transparently clear, intelligent, controlled, and witty.”¹⁸ Historiography held real-world consequences during the tense 1962 superpower standoff, and Tuchman’s best-seller delivered a powerful message with powerful writing that kept legions of readers (including the President of the United States) turning the pages.

“The Art of Writing”

Barbara W. Tuchman said years later that “the art of writing interests me as much as the art of history.”¹⁹ In 1981, she published *Practicing History*, a collection of essays drawn from her articles and speeches. The book opened with perceptive observations about what she called “that magnificent instrument that lies at the command of all of us – the English language.”²⁰

Historians’ writing can yield helpful, though not perfect, analogies for lawyers’ writing. Lawyers can readily adapt these analogies to their own professional circumstances because there are only two types of writing – good writing and bad writing.²¹ Good historical writing is good writing about history, and good legal writing is good writing about law. Tuchman’s major observations about good writing, which appear in italics below, remain universal.

Personal and Professional Commitment

1. “[B]eing in love with your subject . . . is indispensable for writing good history – or good anything, for that matter.”²²

For practicing lawyers, “being in love” may often be an inapt phrase. “Being committed” may describe more accurately the inner drive that should sustain legal writers, even ones who are not moved by “love” of subject in the general sense of the word.

In the private and public sectors alike, a lawyer usually writes as a committed representative of clients or superiors, including ones the lawyer may find difficult or may not know very well. Lawyers sometimes advocate positions that would draw their distaste, ambivalence, or even rejection if the lawyers were writing for themselves and not for a client or cause.²³

The Model Rules of Professional Conduct specify that an advocate “zealously asserts the client’s position under the rules of the adversary system.”²⁴ Zealous advocacy may not afford lawyers personal autonomy to select topics that pique personal interest, and then to follow research wherever it leads.

Analogies that link legal writing and historical writing remain

instructive, however, because personal and professional commitment matters to lawyers, as it does to historians. When fueled by commitment to client or cause, the lawyer’s writing can show the life and vitality that Tuchman achieved. But when legal writing remains unstimulated by commitment, the final product can sag. Readers can distinguish between legal writing that (in the words of former U.S. District Judge Charles E. Wyzanski, Jr.) “shines with the sparkling facets of a diamond,”²⁵ and legal writing that appears dry and listless.

In 1980, Tuchman wrote a newspaper article that decried what she perceived as the “decline of quality” in American life.²⁶ “Quality,” she said, demands “investment of the best skill and effort possible to produce the finest and most admirable result possible.”²⁷ Quality legal writing depends on lawyers who, in the exercise of professional responsibility, make the necessary investment by marshaling personal and professional commitment.

2. “[C]oupled with compulsion to write must go desire to be read. No writing comes alive unless the writer sees across his desk a reader, and searches constantly for the word or phrase which will carry the image he wants the reader to see and arouse the emotion he wants him to feel. . . . [T]he reader is the essential other half of the writer. Between them is an indissoluble connection.”²⁸

Lawyers marshal personal and professional commitment best by recognizing that just because they write something does not necessarily guarantee that anyone will read it, wholly or even in large part.²⁹ This candid recognition led Catherine Drinker Bowen to keep a simple sign posted above her desk as she wrote her well-crafted biographies: “Will the reader turn the page?”³⁰

“The writer’s object is – or should be – to hold the reader’s attention. I want the reader to turn the page and keep on turning to the end,” Tuchman said.³¹ Achievement of this desire does not normally follow from taking readership for granted.

Before lawyers turn to the keyboard, they should ask themselves a threshold question: “Who is likely to read this?” The answer is usually well within the lawyer’s grasp because court filings and most other legal writing usually targets a discrete audience readily identifiable in advance.

Once the legal writer identifies the intended audience, the writer can tailor style, tone, and content in ways that help engage readers. This rhetorical empathy is particularly important to quality writing in today’s frenetic legal practice. Federal and state judicial dockets, for example, have increased faster than population growth for most of the past generation or so, leaving judges with limited patience for submissions that remain bloated, sloppy, or off the point.³² Judges may sense when they have read enough of a brief. Advocates may have no choice but to plod through an opponent’s unwieldy brief or motion papers, or through unnecessarily verbose legislation or administrative regulations, but even here the writer risks obscuring important points amid the fog.

“I never feel my writing is born or has an independent existence,” Tuchman concluded, “until it is read.”³³ In the legal arena and elsewhere, her “indissoluble connection” with readers depends on the writer’s understanding, as stage and screen actress Shirley Booth said after winning an Academy Award in 1952, that “the audience is 50 percent of the performance.”³⁴

With U.S. and Soviet nuclear stockpiles poised in October of 1962, Barbara W. Tuchman’s sterling prose reflected advice delivered more than four decades later by historian David McCullough, recipient of two Pulitzer Prizes, the National Book Award, and the

Presidential Medal of Freedom: “No harm’s done to history by making it something someone would want to read.”³⁵

Corollary: No harm’s done to a lawyer’s brief, memorandum, or other writing by making it something someone would want to read.

Research and Expression

1. *“The most important thing about research is to know when to stop. . . . One must stop before one has finished; otherwise, one will never stop and never finish. . . . I . . . feel compelled to follow every lead and learn everything about a subject, but fortunately I have even more overwhelming compulsion to see my work in print.”*³⁶

Tuchman was right that “[r]esearch is endlessly seductive.”³⁷ Legal research, however, serves a mission different from the mission served by research that provides raw material for historians’ engaging narratives. Lawyers’ writing sometimes persuades best by storytelling, but usually only for a greater purpose.

The greater purpose is to establish or maintain someone’s status, rights, and obligations under the law. This “someone” is usually the client or agency that engages the lawyer. Legal research may involve a maze of precedents, statutes, administrative rules and decisions, court rules, and such unofficial sources as treatises, restatements, and law review articles. In legal matters worth writing about or disputes worth taking to formal or informal resolution, these sources may point in different directions without initial harmony or later resolution.

Lawyers too must “know when to stop,” but different contexts call for different conclusions about when that time comes. Court deadlines and other filing obligations directly or indirectly constrain lawyers who, for the sake of client or cause, must “see their work in print.” Lawyers exercising professional judgment must sense when to turn primary attention from efficient, thorough research of fact and law to writing and then honing the final product. At some point, the lawyer determines that the salient arguments or advice can be delivered thoroughly and effectively, and that further research might diminish opportunity for translating raw materials into effective writing that meets applicable time constraints.

Quality legal research does not necessarily showcase the lawyer’s ability to plumb every crevice. “Judges do not need a show-and-tell exercise to reveal how smart you are,” said Judge Ruggero J. Aldisert.³⁸ Legal writing usually fulfills its mission best when readers remember the message, if not the messenger. “People,” said Tuchman, “are always saying to me in awed tones, ‘Think of all the research you must have done!’ as if this were the hard part. It is not; writing, being a creative process, is much harder and takes twice as long.”³⁹

2. *“The writer . . . must do the preliminary work for the reader, assemble the information, make sense of it, select the essential, discard the irrelevant. . . . What it requires is simply the courage and self-confidence to make choices and, above all, to leave things out.”*⁴⁰

Besides time constraints imposed by court deadlines and other filing obligations, lawyers commonly encounter space constraints mandated by court rule. The latter may be direct (imposed by page, line spacing, margin, and font restrictions, for example), or indirect (imposed by the likely attention spans of busy readers). Taken together, constraints of time and space fashion a cardinal rule of good writing: The writer should finish writing before the

readers finish reading.⁴¹

“Structure is chiefly a problem of selection,” said Tuchman, “an agonizing business because there is always more material than one can use.”⁴² Lawyers without the wisdom and self-confidence to “make choices” can easily clutter the final product with string citations, distracting footnotes, extraneous commentary, or similar underbrush that overwhelms and disorients readers without illuminating the status, rights, and obligations that underlie the writing itself.

3. *Words are seductive and dangerous material, to be used with caution. . . . “[C]areless use of words can leave a false impression one had not intended.”*⁴³

Lawyers know what Tuchman was talking about. When a person reads personal messages or newspaper columns by writers friendly to the reader’s point of view, the reader sometimes recasts words or sentences to help cure imprecision. “I know what they really meant to say,” the reader thinks silently, even if the words on the page do not quite say it.

Readers normally do not extend lawyers such help. Legal writers typically face a “hostile audience” that “will do its best to find the weaknesses in the prose, even perhaps to find ways of turning the words against their intended meaning.”⁴⁴ Judges and law clerks dissect briefs to test arguments, but only after opponents have tried to make the arguments mean something the writers did not intend. Advocates strain to distinguish language that complicates an appeal or creates a troublesome precedent. Parties seeking to evade contractual obligations seek loopholes left by a paragraph, a clause, or even a single word.⁴⁵

Some imprecision is inescapable in language. Justice Felix Frankfurter, a prolific writer as a Harvard law professor before he joined the Supreme Court, was right that “[a]nything that is written may present a problem of meaning” because words “seldom attain[] more than approximate precision.”⁴⁶

Imprecise tools though words may sometimes be, they remain tools nonetheless because (as Professor David Mellinkoff put it) “[t]he law is a profession of words.”⁴⁷ Tuchman delivered universal advice when she flagged seduction, danger, and caution; achieving the greatest possible precision the first time remains a legal writer’s imperative.

3. *“[S]hort words are always preferable to long ones; the fewer syllables the better, and monosyllables, beautiful and pure . . . , are the best of all.”*⁴⁸

Novelists William Faulkner and Ernest Hemingway did a public thrust-and-parry about the virtues of simplicity in writing. Faulkner once criticized Hemingway, who he said “had no courage, never been known to use a word that might send the reader to the dictionary.” “Poor Faulkner,” Hemingway responded, “Does he really think big emotions come from big words? He thinks I don’t know the ten-dollar words. I know them all right. But there are older and simpler and better words, and those are the ones I use.”⁴⁹

“Use the smallest word that does the job,” advised essayist and journalist E. B. White.⁵⁰ Will Rogers delivered advice that resembled Hemingway’s and White’s. Rogers is best known today as a humorist, but satire about public issues frequently conveys serious underlying messages. Rogers wrote more than 4,000 nationally syndicated newspaper columns, and he contributed wisdom about language.⁵¹ “[H]ere’s one good thing about


language, there is always a short word for it,” Rogers said. “I love words but I don’t like strange ones. You don’t understand them, and they don’t understand you.”⁵²

4. “[I]t is a pleasure to achieve, if one can, a clear running prose This does not just happen. It requires skill, hard work. . . . It is laborious, slow, often painful, sometimes agony. It means rearrangement, revision, adding, cutting, rewriting.”⁵³

From years at the bench and bar, Justice Louis D. Brandeis instructed lawyers that “there is no such thing as good writing. There is only good rewriting.”⁵⁴ Literary giants concur. “To be a writer,” said Pulitzer Prize winner John Hersey, “is to throw away a great deal, not to be satisfied, to type again, and then again and once more, and over and over.”⁵⁵

Thirteen Days: Remembering the Cuban Missile Crisis⁵⁶

In October of 1962, my classmates and I were in the sixth grade at Bowling Green Elementary School in Westbury, New York. During lunchtime recess one day at the height of the Cuban Missile Crisis, a few fifth graders ran around the playground shouting that their transistor radios had just broadcast a news bulletin that the United States had sunk a Soviet ship and that the two nations were at war.

Our teacher, Sara Hurwitz, spent the afternoon reassuring the panicked class. She did a masterful job (impromptu, of course) by inviting each student to speak about fears, hopes, and perceptions. Nobody in the classroom knew how much the nation and the world owed to an historian whose writing influenced the President of the United States. 

Endnotes

1 Douglas E. Abrams, a University of Missouri law professor, has written or co-written six books. Four U.S. Supreme Court decisions have cited his law review articles. His latest book is *EFFECTIVE LEGAL WRITING: A GUIDE FOR STUDENTS AND PRACTITIONERS* (West Academic 2016).

2 BARBARA W. TUCHMAN, *PRACTICING HISTORY: SELECTED ESSAYS* 38 (1981). See also Douglas E. Abrams, *Historian Barbara W. Tuchman on the “Art of Writing” (Part 1)*, 8 PRECEDENT 24 (MoBar Fall 2014); Douglas E. Abrams, *Historian Barbara W. Tuchman on the “Art of Writing” (Part 2)*, 9 PRECEDENT 18 (MoBar Winter 2015).

3 MARGARET MACMILLAN, *THE WAR THAT ENDED PEACE: THE ROAD TO 1914* (2013).
4 CHRISTOPHER CLARK, *THE SLEEPWALKERS: HOW EUROPE WENT TO WAR IN 1914*, Introduction (2013).

5 E.g., *id.*, 1914: THE YEAR THE WORLD ENDED (2013); SEAN MC-MEEKIN, 1914: COUNTDOWN TO WAR (2013); Margaret MacMillan, *supra* note 3.

6 Modern Library, *100 Best Nonfiction*, <http://www.modernlibrary.com/top-100/100-best-nonfiction/>.

7 Jordan Michael Smith, *What JFK Didn’t Know*, BOSTON GLOBE, Oct. 21, 2012.

8 Richard Pearson, *Pulitzer-Winning Historian Barbara Tuchman Dies at 77*, WASH. POST, Feb. 7, 1989, at B6 (obituary).

9 ROBERT DALLEK, *AN UNFINISHED LIFE: JOHN F. KENNEDY 1917-1963*, at 505 (2003).

10 *Id.*; see also, e.g., THEODORE C. SORESENSEN, KENNEDY 513 (1965); Richard Aldous, *How Did It All Happen?*, N.Y. TIMES, Oct. 25, 2013 (reviewing Margaret MacMillan, *supra* note 2).

11 ROBERT F. KENNEDY, THIRTEEN DAYS: A MEMOIR OF THE CUBAN MISSILE CRISIS 127 (1969) (published posthumously); see also, e.g., ARTHUR M. SCHLESINGER, JR., A THOUSAND DAYS: JOHN F. KENNEDY IN THE WHITE HOUSE 692-93 (1965); Meredith Hindley, *The Dramatist: Barbara Tuchman Saw History as a Grand Tragedy*, 33 HUMANITIES (Sept./Oct. 2012).

12 JFK Presidential Library & Museum, *John F. Kennedy Fast Facts: President’s Favorite Books*, <http://www.jfklibrary.org/Research/Research-Aids/Ready-Reference/JFK-Fast-Facts/Favorite-Books.aspx>.

13 CHRISTOPHER CLARK, *THE SLEEPWALKERS: HOW EUROPE WENT TO WAR IN 1914* (2013).

14 Hank H. Cox, *Blood Royal: True Tale of Crime and Detection in Medieval Paris*, WASH. POST, May 18, 2014, at B7 (book review).

15 Charlotte Gray, *IFOA Author of the Day*, TORONTO STAR, Oct. 29, 2010, at E12.

16 *The Tuchman Touch*, L.A. TIMES, Feb. 8, 1989, at 6.

17 Malcolm Jones & Lucas Wittmann, *Read All About It*, NEWSWEEK, Apr. 2, 2012.

18 Robert K. Massie, *Foreword*, in BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at viii (1981).

19 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 38.

20 *Id.* at 17.

21 DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING: A GUIDE FOR STUDENTS AND PRACTITIONERS* 9 (2016); Jay Wishingrad & Douglas E. Abrams, *The Lawyer’s Bookshelf*, N.Y.L.J., Dec. 12, 1980, at 2 (reviewing RICHARD C. WYDICK, *PLAIN ENGLISH FOR LAWYERS* (1st ed. 1979)).

22 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 14.

23 DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 21, at 11.

24 ABA MODEL RULES OF PROFESSIONAL CONDUCT, Preamble [1] (2014).

25 Charles E. Wyzanski, Jr., *Judge Learned Hand’s Contributions to Public Law*, 60 HARV. L. REV. 348, 348 (1947).

26 Barbara W. Tuchman, *The Decline of Quality*, N.Y. TIMES MAG., Nov. 2, 1980, at § 6, p. 38.

27 *Id.*

28 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 58, 81.

29 DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 21, at 15; Douglas E. Abrams, *The Right to a Reader*, 1 PRECEDENT 38, 38 (MoBar Winter 2007).

30 Ruggero J. Aldisert et al., *Opinion Writing and Opinion Readers*, 31 CARDOZO L. REV. 1, 39 n.87 (2009).

31 Meredith Hindley, *supra* note 11 (quoting Tuchman).

32 See, e.g., Judicial Conf. of the U.S., *Long Range Plan For the Federal Courts* 9-12 (1995); ABA Comm’n on the 21st Century Judiciary, *Justice in Jeopardy* 39 (2003) (state courts); see also DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 21, at 45.

33 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 81.

34 Shirley Booth, *News Summaries*, Dec. 13, 1954 (winner for Best Actress in *Come Back, Little Sheba*). See also, e.g., Douglas E. Abrams, *The Writer’s Theater*, 1 PRECEDENT 26, 26 (MoBar Spring 2007).

35 David McCullough, Jefferson Lecture, *The Course of Human Events* (2003), <http://www.neh.gov/about/awards/jefferson-lecture/david-mccullough-lecture>.
36 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 22.

37 *Id.*

38 *Id.*

39 *Id.* at 69.

40 *Id.* at 17, 62.

41 DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 21, at 44, paraphrasing Dorothy Sarnoff, *WESTERN MAIL* (CARDIFF, WALES), May 20, 2008, at 17 (quoting Sarnoff).

42 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 49.

43 *Id.* at 38, 39; DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 21, at 49.

44 GEORGE D. GOPEN, *WRITING FROM A LEGAL PERSPECTIVE* I (1981).

45 Jay Wishingrad & Douglas E. Abrams, *Book Review*, 1981 DUKE L.J. 1061, 1063 (reviewing Gopen, *id.*).

46 Felix Frankfurter, *Some Reflections On the Reading of Statutes*, 47 COLUM. L. REV. 527, 528 (1947), reprinting Felix Frankfurter, *Sixth Annual Benjamin N. Cardozo Lecture*, 2 REG. BAR ASS’N CITY OF N.Y. (No. 6, 1947). See also, e.g., Douglas E. Abrams, *What Great Writers Can Teach Lawyers and Judges (Part 1)*, 4 PRECEDENT 16, 17 (MoBar Fall 2010).

47 DAVID MELLINKOFF, *THE LANGUAGE OF THE LAW* vii (1963).

48 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 16-17; see also Douglas E. Abrams, *Long Ideas, Short Words*, 72 J. MO. BAR 148 (May-June 2016).

49 A.E. HOTCHNER, *PAPA HEMINGWAY* 69-70 (1966) (quoting Hemingway); DOUGLAS E. ABRAMS, *EFFECTIVE LEGAL WRITING*, *supra* note 20, at 52. See also, e.g., Douglas E. Abrams, *What Great Writers Can Teach Lawyers and Judges (Part 2)*, 5 PRECEDENT 21, 21-22 (MoBar Winter 2011).

50 Max Messmer, *It’s Best to be Straightforward On Your Cover Letter, Resume*, PITTSBURGH POST-GAZETTE, Nov. 29, 2009, at H1 (quoting White).

51 Mark Schlachtenhaufen, *Centennial Snapshot: Will Rogers’ Grandson Carries On Tradition of Family Service*, OKLA. PUBLISHING TODAY, May 31, 2007, http://web.archive.org/web/20070928161652/http://www.okinsider.com/topic_01OF0MMAHY/readstory.oki?storyid=03K101DDQ.

52 BETTY ROGERS, *WILL ROGERS* 294 (1941; new ed. 1979) (quoting Rogers).

53 BARBARA W. TUCHMAN, *PRACTICING HISTORY*, *supra* note 2, at 48, 21.

54 EUGENE C. GERHART, *QUOTE IT II: A DICTIONARY OF MEMORABLE LEGAL QUOTATIONS* 462 (1988) (quoting Justice Brandeis).

55 DONALD MURRAY, *THE CRAFT OF REVISION* (1991) (quoting Hersey).

56 ROBERT F. KENNEDY, THIRTEEN DAYS, *supra* note 11.

SUPREME COURT RULE CHANGES

The Supreme Court of Missouri, in an order dated June 30, 2017, adopted a "Notice of Rights for Defendants Appearing in Municipal Divisions" as Appendix C to subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37 (Statutory and Ordinance Violations and Violation Bureaus).

This order became effective July 1, 2017.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

In another order dated, June 30, 2017, the Supreme Court of Missouri adopted a "Lawful Enforcement of Legal Financial Obligations; a Bench Card for Judges" as Appendix D to subdivision 37.04, entitled "Supervision of Courts Hearing Ordinance Violations," of Rule 37 (Statutory and Ordinance Violations and Violation Bureaus).

This order became effective July 1, 2017.

The complete text of the order may be read in its entirety at www.courts.mo.gov.

The Supreme Court of Missouri, in an order dated August 4, 2017, vacated the order of June 27, 2017 regarding the repeal of subdivision 5.28 and the adoption of a new Disciplinary Form A.

The Court, in the same order, repealed subdivision 5.28, entitled "Reinstatement," of Rule 5 (Complaints and Proceedings Thereon), and adopted a new subdivision 5.28, entitled "Reinstatement."

In the same order, the Court adopted a new Disciplinary Form A, entitled "Petition for Reinstatement to Practice Law Pursuant to Rule 5.28."

Notice

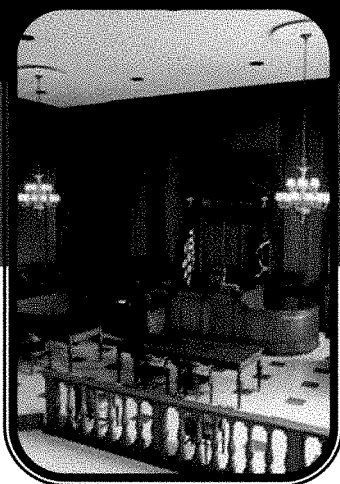
The Jefferson City firm of Williams Keepers, LLC, certified public accountants, has completed an independent audit, through December 31, 2016, of the finances of the following entities:

The Missouri Bar • The Advisory Committee Fund • The Missouri Bar Foundation
The Missouri Lawyer Trust Account Foundation • The Trustees of The Missouri Bar

Copies of the financial reports for each of these entities, including all notes and attachments, are available by going to The Missouri Bar's website at www.mobar.org or you may link to <http://www.mobar.org/governance/financial-audits.htm>

In addition, printed versions of the audit materials may be obtained by contacting:

The Missouri Bar
P.O. Box 119, Jefferson City, MO 65102
(573) 635-4128 • mobar@mobar.org



WHY DID YOU GO TO LAW SCHOOL?

To be in the courtroom?
To develop top notch trial skills?
To make a difference in people's lives?
To handle your own caseload from preliminary hearing to trial?

Develop the skills that will last a career.
MISSOURI STATE PUBLIC DEFENDER
www.publicdefender.mo.gov